

Receipt  
#6

Patent  
212/083



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	)	Group Art Unit: 1807
	)	
James J. Hogan, et al.	)	Examiner:
	)	
Serial No. 08/454,529	)	
	)	
Filed: May 30, 1995	)	
	)	
For: NUCLEIC ACID PROBES FOR	)	
DETECTION AND/OR	)	
QUANTITATION OF NON-VIRAL	)	
ORGANISMS	)	

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for a corrected filing receipt. The filing receipt (copy enclosed) incorrectly refers to a prior application number and date, and incorrectly lists the inventors. The enclosed Filing Receipt has been marked-up to indicate corrections which should be made.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

December 26, 1995  
date of deposit

Kellie Clinton  
name of person mailing paper  
Kellie Clinton  
signature of person mailing paper

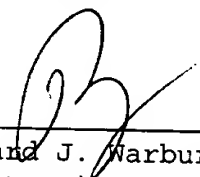
The Filing Receipt should list as inventors "James J. Hogan and Richard Dana Smith". Jo A. Kop and Sherrol H. McDonough were removed as inventors due to claim cancellation. Enclosed is a copy of the transmittal letter submitted with the above-referenced application. Box 15 notes the change in inventorship.

The application also incorrectly lists as a priority application US Serial No. 07/083,224, filed 08/10/87. The specification should list "U.S. Serial No. 07/083,542, filed 08/07/87". Box 7 of the enclosed transmittal letter makes note of this priority claim.

At this time no fee is believed due in connection with this request. However, if this incorrect, please charge Deposit Account No. 12-2475 for the appropriate amount.

Respectfully submitted,

LYON & LYON



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Richard J. Warburg  
Registration No. 32,327

First Interstate World Center  
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Suite 4700  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 212/083  
Anticipated Class 435

The Commissioner of Patents and Trademarks  
Washington, DC 20231

(A)

This is a request for filing a

☐ Continuation

☒ Divisional

application under 37 CFR § 1.60, of pending prior application Serial No. 08/200,866, filed February 22, 1994, of James J. Hogan, Jo Ann Kop, Richard Dana Smith and Sherrol H. McDonough for NUCLEIC ACID PROBES FOR DETECTION AND/OR QUANTITATION OF NON-VIRAL ORGANISMS.

1. ☒ Enclosed is a true copy of the prior application PCT/US87/03009 filed November 24, 1987, which entered the national phase on December 9, 1988 as U.S. Application Serial Number 07/295,208. U.S. Application Serial No. 08/200,866 is a file wrapper continuation of U.S. Application Serial No. 07/806,929 (filed 12/11/91) which is a file wrapper continuation of U.S. Application Serial No. 07/295,208.

2. ☒ The filing fee is calculated below:

PRIOR CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

For	Number Filed	Less	Rate	Basic Fee
Total Claims Presented	30	(-20)	<u>10</u> x \$22.00	\$ 220.00
Independent Claims Presented	1	(-3)	<u>   </u> x \$76.00	.00
Multiple Dependent Claims Presented	0		+ \$240.00	.00
Basic Fee (\$730.00)				730.00
TOTAL FILING FEE				<u>\$ 950.00</u>

"Express Mail" mailing label number TB653454010US

Date of Deposit May 30, 1995

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Donna Lee Stone

(Typed or printed name of person mailing paper or fee)

Donna Lee Stone  
(Signature of person mailing paper or fee)

3. ☒ The Commissioner is hereby authorized to charge all filing fees under 37 CFR § 1.16 and § 1.17 associated with this communication which may be required or credit any overpayment to Deposit Account No. 12-2475. A triplicate copy of this sheet is enclosed.

4. ☐ A verified statement that this filing is by a small entity  
☐ is attached  
☐ has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a))

Filing fee calculation (50% of above) \$ \_\_\_\_\_

5. ☒ A check in the amount of \$ 950.00 is enclosed.

6. ☒ Cancel claims 31-329

A-1  
7. ☒ Amend the specification by deleting the first sentence on Page 1 reading "Continuation-In-Part of Hogan et al., App. Ser. No. 083,542 filed August 7, 1987, which is a Continuation-In-Part of Hogan et al., App. Ser. No. 934,244 filed November 24, 1986." and inserting before the first line the sentence: - This is a division of Hogan et al., U.S. Application Serial No. 08/200,866, filed February 22, 1994, which is file wrapper continuation of Hogan et al., U.S. Application Serial No. 07/806,929, filed December 11, 1991, now abandoned, which is a file wrapper continuation of Hogan et al., U.S. Serial Number 07/295,208, filed December 9, 1988, now abandoned, which was the National filing of PCT/US87/03009, filed November 24, 1987, which is a continuation-in-part of Hogan et al., U.S. Application Serial No. 07/083,542, filed August 7, 1987, now abandoned, which is a continuation-in-part of Hogan et al., U.S. Serial No. 06/934,244, filed November 24, 1986, now abandoned, the entirety of each of these prior applications including the drawings are hereby incorporated by reference herein. -

8. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

9. ☐ New formal drawings are enclosed.

10. ☒ The prior application is assigned to GEN-PROBE INCORPORATED.

11. ☒ The power of attorney in the prior application is to: LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California 90017

a. ☒ The power appears in the original papers in the prior application.

b. ☐ As the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☐ A new power of attorney has been executed to \_\_\_\_\_.

d. ☒ Kindly recognize as associate attorney: Roland N. Smoot, Reg. No. 18,718; Conrad R. Sohm, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Matthew W. Knight, Reg. No. 36,846; Richard J. Warburg, Reg. No. 32,327; F.T. Alexandra Mahaney, Reg. No. 37,668; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; Charles S. Berkman, Reg. No. 38,077; Anthon C. Chen, Reg. No. 38,673; of LYON & LYON, 611 West Sixth Street, Los Angeles, California 90017, telephone (619) 552-8400.

12. ☐ A preliminary amendment is enclosed.

13. ☒ I hereby verify that the attached papers are a true copy of prior application PCT/US87/03009, as originally filed on November 24, 1987, which entered the National Phase in the United States on December 9, 1988, as Serial Number 07/295,208. Also enclosed is a true copy of the File Wrapper Continuation Application papers for U.S. Application Serial Number 07/806,929 and U.S. Application Serial Number 08/200,866.

14. [ ] An Information Disclosure Statement is enclosed. All art referred to therein is present in the parent application \_\_\_\_\_.
15. [X] Please delete Jo Ann Kop and Sherroll H. McDonough as named inventor(s), due to cancellation of claims. The enclosed application should list James J. Hogan and Richard Dana Smith as named inventor(s).
16. [X] Address all correspondence to: Douglas E. Olson, Esq., at LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California, 90071.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

May 30, 1995

Date



Sheldon O. Heber

Registration No. 38,179

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/454,529	05/30/95	1807	\$1,080.00	212/083	11	30	1

DOUGLAS E OLSON  
LYON & LYON  
SUITE 4700  
633 WEST FIFTH STREET  
LOS ANGELES CA 90071

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

JAMES J. HOGAN, SAN DIEGO, CA; RICHARD D. SMITH,  
SAN DIEGO, CA; ~~JO A. KOP, SAN MARCOS, CA; SHERROL H.~~  
~~MCDONOUGH, SAN DIEGO, CA. DELETE~~

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 08/200,866 02/22/94  
WHICH IS A CON OF 07/806,929 12/11/91 - ABN  
WHICH IS A CON OF 07/295,208 12/09/88 - ABN  
WHICH IS A 371 OF PCT/US87/03009 11/24/87  
WHICH IS A CIP OF 07/083,244 08/10/87 ABN  
WHICH IS A CIP OF 06/934,244 11/24/86 ABN  
07/083,542, 08/07/87

FOREIGN FILING LICENSE GRANTED 08/26/95

TITLE  
NUCLEIC ACID PROBES FOR DETECTION AND/OR QUANTITATION OF NON-VIRAL  
ORGANISMS

PRELIMINARY CLASS: 435



RECEIVED

SEP 05 1995

U.S. PROSECUTION